

**REMARKS**

Independent Claim 1 is amended as shown. Dependent Claims 5, 7, 10, and 12-15 are cancelled without prejudice. Claims 1-4, 6, 8-9, and 11 remain in the case.

The Specification is amended to correct typographical errors.

Claims 1-15 were rejected under 35 U.S.C. § 103(a) as being obvious over *Wakamatsu et al.* ("*Wakamatsu*" U.S. Patent No. 6,725,064) in view of *Son et al.* ("*Son*" U.S. Patent No. 6,278,887) and further in view of *Sano et al.* ("*Sano*" U.S. Patent No. 6,131,046).

The present invention, as defined in the claims, teaches a portable telephone device that, in a first case, receives contents information distributed from a server (such as news, weather, forecasts, or the like) in response to a request made by a user and displays the received content information on a display panel where a backlight is illuminated to enable a user to view the received contents information on the display panel, even at nighttime or in a dark place (Figures 1-2 and Specification page 3 ll. 6-23). In a second case, where the contents information is not received within a predetermined period of time, an error message indicating the contents information was not properly received is displayed on the display panel (Specification page 4 line 26 to page 5 line 9). In both the first and the second cases, the backlight is not illuminated until after either the contents information or the error message are displayed in order to prevent the battery from being unnecessarily consumed (Specification page 3 ll. 23-26 and page 4 ll. 23-25).

Claim 1 is amended to recite the additional elements of a reception judgment means and a display control means as well as an amended light control means element, as supported in the application as filed (Figures 1-2 and Specification page 4 line 26 to page 5 line 3, page 11 ll. 6-

23, and page 12 line 17 to page 13 line 15). Claim 1, as amended, teaches a lighting control means for turning off the backlight after the distribution request is received, and turning on the backlight, regardless of whether contents information has been successfully received, at the proper time in order to illuminate either the contents information or a message indicating that contents information failed to be received. This provides the benefit that a user is now able to promptly and automatically determine the result of their distribution request, even in the dark, without overly consuming the battery power.

The *Wakamatsu* reference is drawn to a portable terminal device having a pair of light emitting diodes to provide illumination for a display unit and an uppermost key part (*Wakamatsu* col. 6 ll. 23-31). *Wakamatsu* teaches another set of light emitting diodes for illuminating a ten-key part for receiving input from a user (*Wakamatsu* col. 6 ll. 32-36). The display unit is illuminated as long as the display unit is displaying information, while the ten-key illumination is stopped after 10 seconds of inactivity on the keypad (*Wakamatsu* Figure 8, col. 6 ll. 44-51, and col. 7 ll. 62-67). The cited portion of the *Wakamatsu* reference in the Office Action actually teaches that display illumination is stopped at a predetermined time after graphical "movement" of a cartoon character image is stopped and a display change flag is reset (*Wakamatsu* col. 4 ll. 10-40, and more particularly col. 4 ll. 26-31). Applicant respectfully submits that *Wakamatsu* does not teach turning on the backlight following the completion of a display procedure, as claimed, but rather the opposite where the illumination is continuously on during the receipt of the news data and only turns off a predetermined time after the graphical movement is stopped.

Similarly, the *Son* reference is drawn to a wireless communication handset with an LCD display including a backlight feature that is turned on under certain conditions and turns off a predetermined time after the conditions are no longer present (*Son* Figure 2 and col. 4 ll. 50-63).

The conditions for turning off after a predetermined time are suggested as entering information via the keypad, receiving a call, or opening of the flip panel (*Son* col. 4 ll. 61-63 and col. 5 ll. 52-55). The Office Action cites a portion of the *Son* disclosure as teaching "accepting from the user an instruction for requesting the contents information, and detects that the request has been made by detecting transmission of the instruction" (*Son* col. 8 ll. 1-47). Applicant respectfully traverses this assertion since *Son* only teaches detecting local manipulation of the keypad, flip panel, or receiving a telephone call which cannot be construed to mean a request made by a user for (delivery of) contents information since the call is initiated by another (human) party, and not in response to a request made by the user of the portable telephone device, as claimed. Further, since no request for contents information was made within the *Son* system in terms of the received telephone call, then no "request for contents information" can logically be detected.

Finally, the *Sano* reference is drawn to a communication apparatus with a display unit that is enabled only when communication services are available (*Sano* col. 1 ll. 37-45). The purpose, taught by *Sano*, is to prevent a user from attempting to perform a wasteful (ultimately unsuccessful) calling operation (*Sano* col. 1 ll. 34-36). In a portable telephone embodiment, *Sano* teaches, in the cited modification, where the display LCD is disabled from displaying the dial keys, but also displays a message indicating service is not available (*Sano* col. 5 line 56- col. 6 line 65). Applicant respectfully submits that the portion of the *Sano* reference cited in the Office Action relates to a static message that is displayed based on a locally detected lack of available service, and does not indicate reception of any message information, nor can this change in state be fairly construed as contents information, as presently claimed (*Sano* col. 6 ll. 29-41).

Applicant respectfully submits that these references in any combination still fail to teach

or fairly suggest a lighting control means for (a) in the case where the contents information is received, turning off the backlight after the request detecting means detects that the request has been made until the contents information is displayed and turning on the backlight when the contents information is displayed and (b) in the case where the contents information failed to be received, turning off the backlight after the request detecting means detects that the request has been made until an error message is displayed and turning on the backlight when the error message is displayed, as claimed. Applicant respectfully submits, based on the above arguments, that not all of the claimed elements of Claim 1, as amended, are taught or implied by the references in any combination. Since not all of the elements of the claimed structure are taught or fairly implied by the references in any combination, Applicant submits that these references do not render obvious the present invention.

Since the remaining Claims 2-4, 6, 8-9 and 11 depend directly or indirectly from Claim 1, Applicant submits that they are allowable over the cited references.

Applicant respectfully requests this rejection be withdrawn.

It is believed the case is now in condition for allowance, and an early notification of the same is requested. If the Examiner believes that a telephone interview will help further the prosecution of this case, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


On: October 26, 2004  
Date

By: Sharon Farnus  
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Very truly yours,

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